



General Assembly

January Session, 2003

***Raised Bill No. 6689***

LCO No. 4572

Referred to Committee on Education

Introduced by:  
(ED)

***AN ACT CONCERNING MEDICATION IN SCHOOL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-212b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) For purposes of this section, (1) "psychotropic drugs" means  
4 prescription medications for behavioral or social-emotional concerns,  
5 such as attentional deficits, impulsivity, anxiety, depression and  
6 thought disorders, and includes, but is not limited to, stimulant  
7 medication and antidepressants, and (2) "school health or mental  
8 health personnel" means school nurses or nurse practitioners  
9 appointed pursuant to section 10-212, school medical advisors  
10 appointed pursuant to section 10-205, school psychologists, school  
11 social workers, school counselors and such other school personnel who  
12 have been identified as the person responsible for communication with  
13 a parent or guardian about a child's need for medical evaluation  
14 pursuant to a policy adopted by a local or regional board of education  
15 as required by subsection (b) of this section.

16 (b) Each local and regional board of education shall adopt and

17 implement policies prohibiting any school personnel from  
18 recommending the use of psychotropic drugs for any child. Such  
19 policies shall set forth procedures (1) for communication between  
20 school health or mental health personnel and other school personnel  
21 about a child who may require a recommendation for a medical  
22 evaluation, (2) establishing the method in which school health or  
23 mental health personnel communicate a recommendation to a parent  
24 or guardian that such child be evaluated by an appropriate medical  
25 practitioner, and (3) for obtaining proper consent from a parent or  
26 guardian of a child for the school health or mental health personnel to  
27 communicate about such child with a medical practitioner outside the  
28 school who is not a school employee. The provisions of this section  
29 shall not prohibit (A) school [medical staff] health or mental health  
30 personnel from recommending that a child be evaluated by an  
31 appropriate medical practitioner, [or prohibit] (B) school personnel  
32 from consulting with such practitioner with the consent of the parents  
33 or guardian of such child, (C) the planning and placement team from  
34 recommending a medical evaluation as part of an initial evaluation or  
35 reevaluation, as needed to determine a child's (i) eligibility for special  
36 education and related services, or (ii) educational needs for an  
37 individualized education program.

38 Sec. 2. Section 10-208a of the general statutes is repealed and the  
39 following is substituted in lieu thereof (*Effective July 1, 2003*):

40 Each local and regional board of education shall honor written  
41 notice submitted by a licensed practitioner [of the healing arts, as  
42 defined in section 20-1,] which places physical restrictions upon any  
43 pupil enrolled in the public schools of such board of education. For  
44 purposes of this section, licensed practitioner means any person who is  
45 licensed to practice under chapter 370, 372, 373 or 375 or section 20-  
46 94a.

47 Sec. 3. Section 10-212a of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective October 1, 2003*):

49 (a) A school nurse or, in the absence of such nurse, any other nurse  
50 licensed pursuant to the provisions of chapter 378, including a nurse  
51 employed by, or providing services under the direction of a local or  
52 regional board of education at, a school-based health clinic, who shall  
53 administer medical preparations only to students enrolled in such  
54 school-based health clinic in the absence of a school nurse, the  
55 principal, any teacher, licensed physical or occupational therapist  
56 employed by a school district, or coach of intramural and  
57 interscholastic athletics of a school may administer medicinal  
58 preparations, including such controlled drugs as the Commissioner of  
59 Public Health may, by regulation, designate, to any student at such  
60 school pursuant to the written order of a physician licensed to practice  
61 medicine or a dentist licensed to practice dental medicine in this or  
62 another state, or an advanced practice registered nurse licensed to  
63 prescribe in accordance with section 20-94a, or a physician assistant  
64 licensed to prescribe in accordance with section 20-12d, and the written  
65 authorization of a parent or guardian of such child. The administration  
66 of medicinal preparations by a nurse licensed pursuant to the  
67 provisions of chapter 378, a principal, teacher, licensed physical or  
68 occupational therapist employed by a school district, or coach shall be  
69 under the general supervision of a school nurse. No such school nurse  
70 or other nurse, principal, teacher or coach shall be liable to such  
71 student or a parent or guardian of such student for civil damages for  
72 any personal injuries which result from acts or omissions of such  
73 school nurse or other nurse, principal, teacher, licensed physical or  
74 occupational therapist employed by a school district, or coach in  
75 administering such preparations which may constitute ordinary  
76 negligence. This immunity shall not apply to acts or omissions  
77 constituting gross, wilful or wanton negligence.

78 (b) Each school wherein any controlled drug is administered under  
79 the provisions of this section shall keep such records thereof as are  
80 required of hospitals under the provisions of subsections (f) and (h) of  
81 section 21a-254 and shall store such drug in such manner as the  
82 Commissioner of Public Health shall, by regulation, require.

83 (c) The Commissioner of Public Health, in consultation with the  
84 Commissioner of Education, may adopt regulations, in accordance  
85 with the provisions of chapter 54, that specify conditions under which  
86 a coach of intramural and interscholastic athletics may administer  
87 medicinal preparations, including controlled drugs specified in the  
88 regulations adopted by the [commissioner] Commissioner of Public  
89 Health, to a child participating in such intramural and interscholastic  
90 athletics. The regulations shall require authorization pursuant to: (1)  
91 The written order of a physician licensed to practice medicine or a  
92 dentist licensed to practice dental medicine in this or another state, an  
93 advanced practice registered nurse licensed under chapter 378, a  
94 physician assistant licensed under chapter 370, a podiatrist licensed  
95 under chapter 375 or an optometrist licensed under chapter 380; and  
96 (2) the written authorization of a parent or guardian of such child.

97 (d) A school nurse supervisor and a school medical advisor may  
98 jointly approve a plan for an identified school paraprofessional to  
99 administer an epipen to a specific student with a medically diagnosed  
100 allergic condition which may require prompt treatment in order to  
101 protect the student against serious harm or death.

102 Sec. 4. Subsections (b) and (c) of section 10-206 of the general  
103 statutes are repealed and the following is substituted in lieu thereof  
104 (*Effective July 1, 2003*):

105 (b) Each local or regional board of education shall require each child  
106 to have a health assessment prior to public school enrollment. The  
107 assessment shall include: (1) A physical examination which shall  
108 include [hematocrit or hemoglobin tests,] height, weight, blood  
109 pressure, and, beginning with the 2003-2004 school year, a chronic  
110 disease assessment which shall include, but not be limited to, asthma  
111 as defined by the Commissioner of Public Health pursuant to  
112 subsection (c) of section 19a-62a. The assessment form shall include (A)  
113 a check box for the provider conducting the assessment, as provided in  
114 subsection (a) of this section, to indicate an asthma diagnosis, (B)

115 screening questions relating to appropriate public health concerns to  
116 be answered by the parent or guardian, and (C) screening questions to  
117 be answered by such provider; (2) an updating of immunizations as  
118 required under section 10-204a, provided a registered nurse may only  
119 update said immunizations pursuant to a written order by a physician  
120 or physician assistant, licensed pursuant to chapter 370, or an  
121 advanced practice registered nurse, licensed pursuant to chapter 378;  
122 (3) vision, hearing, speech and gross dental screenings; and (4) such  
123 other information, including health and developmental history, as the  
124 physician feels is necessary and appropriate. The assessment shall also  
125 include tests for tuberculosis, sickle cell anemia or Cooley's anemia  
126 and tests for lead levels in the blood where the local or regional board  
127 of education determines after consultation with the school medical  
128 advisor and the local health department, or in the case of a regional  
129 board of education, each local health department, that such tests are  
130 necessary, provided a registered nurse may only perform said tests  
131 pursuant to the written order of a physician or physician assistant,  
132 licensed pursuant to chapter 370, or an advanced practice registered  
133 nurse, licensed pursuant to chapter 378.

134 (c) Each local or regional board of education shall require each pupil  
135 enrolled in the public schools to have health assessments in either  
136 grade three or grade four, and in either grade six or grade seven and in  
137 either grade ten or grade eleven. The assessment shall include: (1) A  
138 physical examination which shall include [hematocrit or hemoglobin  
139 tests,] height, weight, blood pressure, and, beginning with the 2003-  
140 2004 school year, a chronic disease assessment which shall include, but  
141 not be limited to, asthma as defined by the Commissioner of Public  
142 Health pursuant to subsection (c) of section 19a-62a. The assessment  
143 form shall include (A) a check box for the provider conducting the  
144 assessment, as provided in subsection (a) of this section, to indicate an  
145 asthma diagnosis, (B) screening questions relating to appropriate  
146 public health concerns to be answered by the parent or guardian, and  
147 (C) screening questions to be answered by such provider; (2) an  
148 updating of immunizations as required under section 10-204a,

149 provided a registered nurse may only update said immunizations  
150 pursuant to a written order of a physician or physician assistant,  
151 licensed pursuant to chapter 370, or an advanced practice registered  
152 nurse, licensed pursuant to chapter 378; (3) vision, hearing, postural  
153 and gross dental screenings; and (4) such other information including a  
154 health history as the physician feels is necessary and appropriate. The  
155 assessment shall also include tests for tuberculosis and sickle cell  
156 anemia or Cooley's anemia where the local or regional board of  
157 education, in consultation with the school medical advisor and the  
158 local health department, or in the case of a regional board of education,  
159 each local health department, determines that said screening or test is  
160 necessary, provided a registered nurse may only perform said tests  
161 pursuant to the written order of a physician or physician assistant,  
162 licensed pursuant to chapter 370, or an advanced practice registered  
163 nurse, licensed pursuant to chapter 378.

164 Sec. 5. Subsection (a) of section 10-220a of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective July*  
166 *1, 2003*):

167 (a) Each local or regional board of education shall provide an in-  
168 service training program for its teachers, administrators and pupil  
169 personnel who hold the initial educator, provisional educator or  
170 professional educator certificate. Such program shall provide such  
171 teachers, administrators and pupil personnel with information on (1)  
172 the nature and the relationship of drugs, as defined in subdivision (17)  
173 of section 21a-240, and alcohol to health and personality development,  
174 and procedures for discouraging their abuse, (2) health and mental  
175 health risk reduction education which includes, but need not be  
176 limited to, the prevention of risk-taking behavior by children and the  
177 relationship of such behavior to substance abuse, pregnancy, sexually  
178 transmitted diseases, including HIV-infection and AIDS, as defined in  
179 section 19a-581, violence, child abuse and youth suicide, (3) the growth  
180 and development of exceptional children, including handicapped and  
181 gifted and talented children and children who may require special

182 education, and methods for identifying, planning for and working  
 183 effectively with special needs children in a regular classroom, (4)  
 184 school violence prevention and conflict resolution, (5)  
 185 cardiopulmonary resuscitation and other emergency life saving  
 186 procedures, (6) computer and other information technology as applied  
 187 to student learning and classroom instruction, communications and  
 188 data management, [and] (7) the teaching of the language arts, reading  
 189 and reading readiness for teachers in grades kindergarten to three,  
 190 inclusive, and (8) the growth and development of children with  
 191 attention-deficit hyperactivity disorder and learning disabled children,  
 192 methods for identifying such children, and instructional strategies for  
 193 children displaying symptoms of attention-deficit hyperactivity  
 194 disorder and learning disabilities. The State Board of Education, within  
 195 available appropriations and utilizing available materials, shall assist  
 196 and encourage local and regional boards of education to include: (A)  
 197 Holocaust education and awareness; (B) the historical events  
 198 surrounding the Great Famine in Ireland; (C) African-American  
 199 history; (D) Puerto Rican history; (E) Native American history; (F)  
 200 personal financial management; and (G) topics approved by the state  
 201 board upon the request of local or regional boards of education as part  
 202 of in-service training programs pursuant to this subsection.

203 Sec. 6. (NEW) (*Effective July 1, 2003*) On or before January 1, 2004,  
 204 the Commissioner of Education, in consultation with the  
 205 Commissioner of Public Health, shall adopt regulations, in accordance  
 206 with the provisions of chapter 54 of the general statutes, setting forth  
 207 guidelines to allow for blood glucose self-testing by children with  
 208 diabetes in public schools.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>

Sec. 6	July 1, 2003
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**Statement of Purpose:**

To clarify provisions concerning the administration of psychotropic drugs in schools; to include advanced practice registered nurses in the list of licensed practitioners who are able to provide written notice to school districts restricting the physical activities of students; to allow licensed occupational and physical therapists employed by school districts to administer medications pursuant to the written order of a physician; to allow school nurse supervisors and school medical advisors to approve plans, on a case-by-case basis, for the administration by paraprofessionals of an epipen to a student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death; to provide that in adopting regulations specifying the conditions under which coaches may administer medicinal preparations, the Commissioner of Public Health must consult with the Commissioner of Education; to delete provisions requiring hematocrit and hemoglobin tests; to require health assessments for students in grade three or four; to require in-service training to include instructional strategies concerning children with attention-deficit hyperactivity disorder and learning disabled children; and to provide for regulations allowing for blood glucose self-testing in public schools.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*